rejection is respectfully traversed because (1) none of these patents, taken individually, disclose or suggest applicant's so-called "Trigger System" as defined in applicant's independent claims 1 and 10, and (2) it would not be "obvious", in the sense of the patent statute, to combine features from no less than five different references, disclosing five different and unrelated systems for controlling or transferring money, to arrive, without hindsight, at applicant's simple, yet powerful, Trigger System.

Set forth below is a discussion of each of the references applied in the outstanding rejection:

Fleming ("Children's Credit or Debit Card System": US Patent No. 5,953,710, September 14, 1999):

Fleming discloses a credit or debit card system which is based on at least two accounts, linked to each other within the same institution, where the owner of the master account is able to control the credit limit and expenditure of other (child) accounts (similar to a corporate credit card). The system requires that the account information be given to the merchant by the accountholder himself and does

not at any point suggest that the merchant's "point-of-sale terminal" could electronically borrow such credit card information from a separate "credit card lending system" based upon an access code and predefined conditions.

Fleming's system neither contains nor uses such credit card store and forward capability that stands as the basis for the Trigger System, and nothing in Fleming's patent suggests that a merchant could perform a transaction using a credit card provided by an independent system via a separate card borrowing process and not by the accountholder himself.

Figure 1, below, illustrates the forward method of the Trigger System where the card lending server provides the credit card information to the merchant's terminal (2) as a separate process outside the boundaries of the "merchant to bank transaction" based upon validation of a previously established authorization code (1) and conditions. The subsequent "merchant to bank transaction" represented by numbers (3)(4) and (5) still occurs independently like a normal credit card charge as if the accountholder had supplied his credit card information personally to the merchant's point-of-sale terminal.

FIGURE 1

Store and Forward System

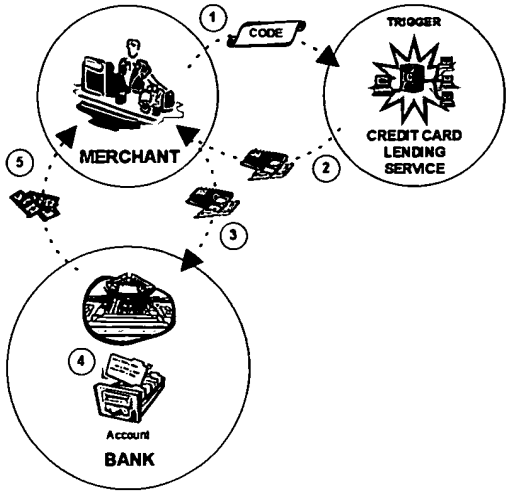
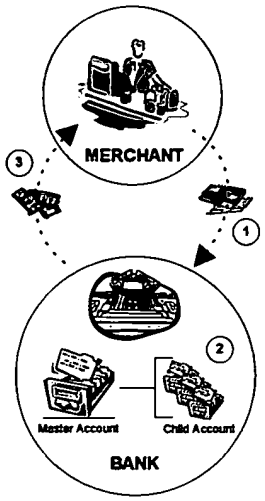


FIGURE 2

Parent & Child Account System



Fleming teaches a method that is totally contained inside the bank institution, and such parent and child account system can be fully explained within the boundaries of a regular "merchant to bank" transaction as illustrated by Figure 2. It is a system where one or more child accounts (2) are linked to a master account and are used by transactions to verify separate credit limits, validate independent users and perform split or combined billing. However, Fleming's child and parent account system never suggests any outside process capable of lending the credit

card information to the transaction, relying solely on accountholders to supply their account personally to the merchant's point-of-sale terminal. The card borrowing process, as used by the Trigger System, occurs completely outside of the scope of Fleming's invention, which therefore cannot reproduce the store and forward functionality proposed by the Trigger System. Incidentally, both child and parent accounts could themselves be utilized in the lending/borrowing process used by the Trigger System.

Messner ("Method for Marketing and Redeeming Vouchers for use in Online Purchases": 6,370,514, April 9, 2002):

Applicant respectfully disagrees with the Examiner's statement that Messner "teaches transmission to a trigger server...which stores account information and authorization and secret code and a requesting terminal at which the first person to enter the secret code is provided the source account approval information for a transaction up to the cap limit...".

Messner's system does not store account information nor does this system transmit it to another point-of-sale

terminal. It simply charges the account as any other merchant would in order to collect the funds it will need to pay whichever store ends up redeeming its voucher. It acts as a money transfer facility (Figure 3) and not as a credential supplying system (Figure 4). The Messner system is intended to offer "limited value electronic gift certificates" and not "account approval information" and is totally unrelated to conditional borrowing of "credit card credentials" which are capable of being stored without carrying any intrinsic value.

FIGURE 3

Money Transfer System

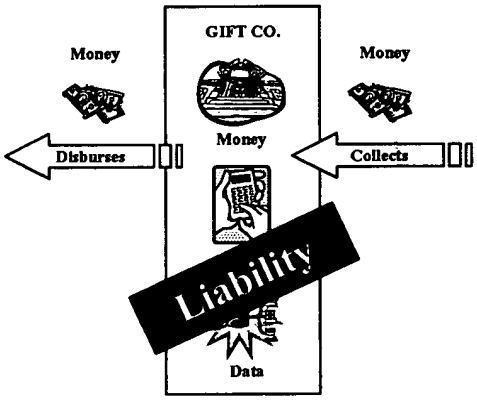
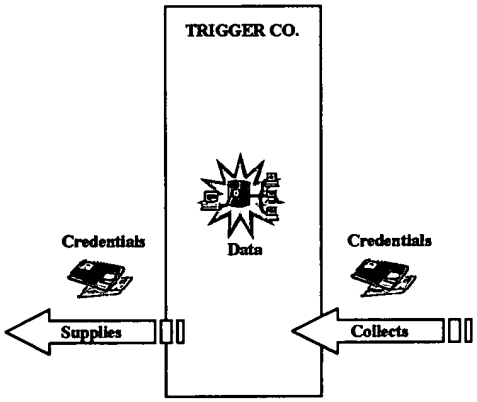


FIGURE 4

Credential Supplying System



The terminal submitting the voucher for authorization using Messner's method does so in request for funds, and not in request for credit card information, which differentiates it entirely from the account store and forward concept of the Trigger System, where one is capable of borrowing someone else's credit card in order to implement a separate "merchant to bank" transaction.

Messner's system is designed to collect and transmit funds and not account information and such difference implicates numerous liabilities and regulatory complexities to the institution providing the service, as exemplified by Figure 3. Through Messner's system, the transaction also requires the accountholder to provide his credentials personally (as in all other systems) and no reference exists to a system designed to lend account information to another point-of-sale terminal or host for independent transactions to occur even in the absence of the accountholder.

Rosen ("Trusted Agents for Open Electronic Commerce Where the Transfer of electronic Merchandise or Electronic Money is Provisional until the transaction is Finalized": 6,205,436 March 20, 2001):

Rosen teaches a system which aims to guarantee that the delivery of the goods to the customer (especially electronic ones) will be tied to the payment for such goods to the merchant. The idea behind it is that once the customer and the merchant agree to the transaction, neither one can interfere with either the delivery of the goods or with the delivery of the money.

It is evident that Rosen's objective (to tie money delivery to merchandise delivery) differs completely from the credit card borrowing mechanism used by the Trigger System given that the "triggered lending process" occurs independently of any other transaction that might involve either money or merchandise. It is a process meant to occur outside of the scope of "money versus merchandise" transactions, with the clear intent of simply supplying the credentials that said transactions require.

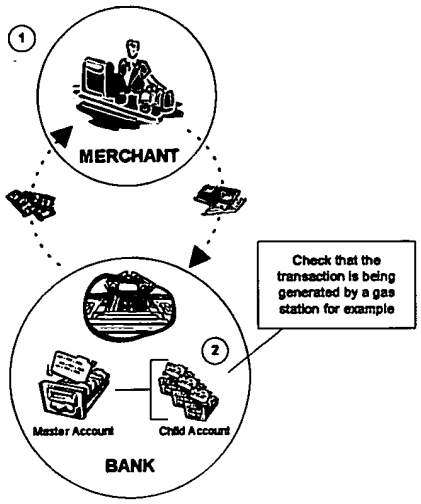
Watson et al., ("System and Method for Pre-Authorization of Individual Account Remote Transactions": 6,226,624 May 1, 2001):

As illustrated in Figure 5, below, Watson presents a system designed to control child account limits (2) based upon merchant types (1), as for example corporate credit card accounts with a $50 maximum for gas or $100 for groceries. Also, the system can be used to deny transactions to specific merchants, or as a "positive pay" account, where only previously authorized transactions are allowed.

Watson's system, however, never addresses the issue of allowing an individual to borrow someone else's credit card information from a third party lending system either; and like all other systems, it still requires that accounts be submitted by the accountholders themselves, not envisioning the possibility that such credit card accounts could be electronically acquired from a separate credit card lending system. Watson's system can be viewed, as an extension of Fleming's method, where the conditions of use for the account can be set by a master accountholder based not only on limits but also on merchant types.

FIGURE 5

Pre-Authorization Method



Neither Watson's nor Fleming's method avoid the burden of creating a separate child account for each individual limit or condition one might need, making it very inefficient, bureaucratic and expensive to be implement on a broad scale, as with the Internet. Also, Watson's limits by merchant and positive pay capability do not prevent the account from being exposed to the merchant by the accountholder either, which, to many people, poses a security concern when sending such information via the Internet. Such lack of functionality is completely contrary

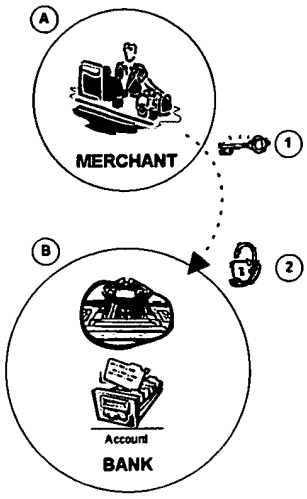
to one of the main concepts of the Trigger System, which encompass the ability of hiding the credit card information from the merchant via a secret code, so that it can be sent over non-trustful channels without much concern.

French et al, ("System and Method for Authentication of Network Users": 6,263,447 July 17, 2001):

As shown in Figure 6, below, French describes a system intended to enforce validation between an access requestor (A) and an access provider (B), offering successive layers of validation queries (1) and challenge responses (2) between the requestor and the provider in order to guarantee that the individual to be granted access is really the one entitled to such access.

FIGURE 6

Certificate and Authentication Method



French's system uses digital certificates and password validation which aims to raise the level of certainty, to the host, that the machine and/or user being granted access is the one entitled to the access to be provided. French's system is not about transactions or storing and forwarding credit card information, it simply describes a certificate method by which one can be more certain that the requestor of the access is actually entitled to it.

Conclusion:

In conclusion, none of the references cited and applied by the Examiner disclose or suggest that a financial account used in a transaction can be acquired by a separate "credit card lending process", and not by the accountholder himself, as is the case with the Trigger System recited in applicant's claims. The Trigger System has as a clear objective: to allow individuals to borrow someone else's credit card information from a "credit card lending server" so that such credential can be used in whichever transaction such a borrower and "point-of-sale requesting terminal" are capable of performing. This lending/borrowing process performed by the Trigger server is designed to be independent of whichever method the borrowing terminal uses in order to perform its transaction and it has in essence no concern for the outcome of those transactions themselves.

The Trigger System in no instance applies to any "money for merchandise" transaction, relating only to point-of-sale terminals attempting to temporarily borrow credit card information from a source different than the accountholder. The account information received by the point-and-sale

terminal is then used for whichever separate transaction such terminal is set to engage, and for the borrowing terminal it all happens as if it had been received from the credit card accountholder himself. The real motive is to allow a terminal to perform transactions based upon an account and PIN number (credentials) supplied by a separate "lending server" and not by an accountholder. It is a non-fiduciary system, free of liabilities, where the only responsibility of which is to ensure that the lending of such credentials comply to the conditions previously set by the credit card accountholder.

Applicant also respectfully disagrees with the Examiner's statement that "The motivation to combine is to teach a method for enforcing parameters upon pre-authorized transactions as transaction amounts and specified merchants as enunciated by Watson" (Office Action, page 8, lines 1-3). Since the Trigger System defines a process that occurs independently and outside the scope of a regular transaction, it cannot be compared to transaction systems or to systems used to authorize or pre-authorize transactions. It is a lending system created to allow an individual to borrow someone else's credit card information and its job is

solely to control the conditions in which the credit card accountholder allows his account to be borrowed by someone else.

Finally, by way of a summary, Fleming teaches child and parent accounts, Messner teaches gift certificates, Rosen teaches tying money delivery to merchandise delivery, Watson teaches child and parent accounts with limits by merchant and French teaches network certificates and authentication. However, none of them teach or suggest a system in which individuals are allowed to electronically borrow someone else's account information, be that based on authorization codes, predefined conditions or any other.

Such a credit card store and forward method is unique to the Trigger System and could not be achieved by combining any of the cited references, since all previous systems exist within the boundaries of a merchant (an entity requesting authorization for funds) and a bank (an entity approving the charge and providing the money) as illustrated in Figure 7; and no combination of such methods could logically result in a system that exists outside the boundaries of such a "merchant to bank" universe.

In the same sense that one cannot combine even numbers in order to obtain an odd result, it would have been impossible for someone to combine different methods within the same "merchant to bank transaction scope" in order to come up with another method unrelated even to the sum of all its individual parts. Such credit card lending and borrowing system (Figure 8), which occurs as a separate procedure outside any transaction method described by the prior art, aims to be a support system for all existing transaction methods, with the sole purpose of lending them credit card account information in behalf of accountholders that cannot, or do not, want to be physically present.

FIGURE 7

Regular Transaction Universe

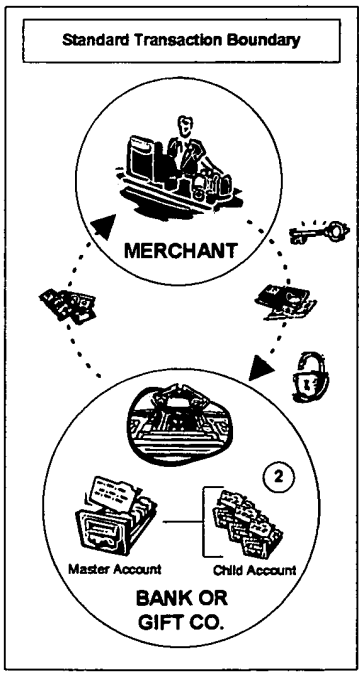
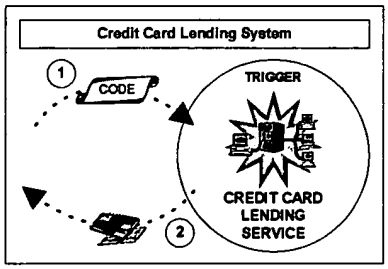


FIGURE 8

Trigger Process



Consequently, applicant's independent claims 1 and 10, which define the Trigger System, as well as claims 2 - 9, 11, 12, and 14 - 25, which are dependent thereon, are believed to be patentable over Fleming, Rosen, Messner, Watson and French. This application is therefore believed to be in condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

Respectfully submitted,

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